

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 18, 2016

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2015AP1231

Cir. Ct. No. 2015SC239

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

UNIFUND CCR LLC,

PLAINTIFF-RESPONDENT,

V.

ANNETTE M. ANDERSON A/K/A ANNETTE WENDORF,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Monroe County:

J. DAVID RICE, Judge. *Affirmed.*

¶1 LUNDSTEN, J.¹ Annette Anderson appeals, pro se, a small claims money judgment against her in favor of Unifund CCR. For the reasons stated below, I affirm the judgment.

¶2 Unifund filed claims against Anderson to collect on credit card-related debt and then moved for summary judgment, attaching an affidavit containing evidence of Anderson's debt and of Unifund's right to collect it. Anderson failed to file any materials in opposition to the summary judgment motion and failed to appear at the hearing scheduled on the motion. The circuit court entered judgment against Anderson for an amount, including costs, totaling \$10,246.50.

¶3 On appeal, Anderson does not develop an argument explaining why Unifund's evidence was inadequate to support a grant of summary judgment in favor of Unifund. Rather, Anderson appears to assert that she was unaware of the summary judgment hearing date because the circuit court never sent her any notice of it. However, Anderson does not come to grips with the parts of the record showing that she did receive notice. The record shows that Unifund served its summary judgment motion and affidavit on Anderson by mail, in accordance with WIS. STAT. § 801.14(1), and that Unifund included in those papers a clear and prominent notice of the summary judgment hearing date. As far as I can tell, Anderson is not claiming that she never received *that* notice. And, there is no apparent reason why the circuit court was required to provide an additional notice. *See Monroe County Circuit Court, Local Court Rule 8.06 (eff. April 10, 2006)*

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a). All references to the Wisconsin Statutes are to the 2013-14 version.

(“The moving party shall schedule the motion hearing date, provide notice of the hearing date, and file the motion and notice of motion with the clerk of court . . .”).

¶4 It is possible that Anderson failed to appreciate the significance of Unifund’s clear and prominent notice, or that she simply overlooked it, but, unfortunately for Anderson, these are not reasons for me to reverse the circuit court. Courts may make allowances for pro se litigants, but neither a circuit court nor a reviewing court has the duty or resources to “walk [such] litigants through the procedural requirements or . . . point them to the proper substantive law.” *See Waushara Cty. v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992).

¶5 Given Anderson’s failure to provide a sufficient reason for not responding to Unifund’s summary judgment motion, I conclude that Anderson has forfeited her remaining arguments on appeal by failing to timely make them in the circuit court. *See Schill v. Wisconsin Rapids Sch. Dist.*, 2010 WI 86, ¶45 & n.21, 327 Wis. 2d 572, 786 N.W.2d 177 (explaining that issues not adequately raised in the circuit court are forfeited and supporting the proposition that appellate courts generally do not address forfeited issues). I therefore decline to consider Anderson’s arguments because they are forfeited.

¶6 Finally, even if Anderson had not forfeited her arguments, I would reject them as insufficiently developed, especially considering that Anderson failed to file a reply brief rebutting any of Unifund’s seemingly persuasive responsive brief arguments. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (court of appeals need not consider inadequately developed arguments); *United Coop. v. Frontier FS Coop.*, 2007 WI App 197, ¶39, 304 Wis. 2d 750, 738 N.W.2d 578 (appellant’s failure to respond in reply brief to an argument made in response brief may be taken as a concession).

¶7 For the reasons stated above, the judgment against Anderson is affirmed.

By the Court.—Judgment affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)4.

